

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

XIAOYU CHEN, et al.,

Tammis, V.

BELLEVUE SCHOOL DISTRICT, et al.,

Defendants.

CASE NO. C24-5616 BHS

ORDER

V.

BELLEVUE SCHOOL DISTRICT, et al.,

Defendants.

THIS MATTER is before the Court on defendant Bellevue School District’s
al Rule of Civil Procedure 12(b)(1) motion to dismiss for lack of subject matter
iction. Dkt. 6. Pro se plaintiffs Xiaoyu Chen and Stephan Valentinetti sued the
ington State Utilities and Transportation Commission (WUTC) and the Bellevue
l District (BSD) for “slander and liable,” Dkt. 1 at 5, alleging they and others
ired to keep plaintiffs from obtaining state and federal transportation contracts. *Id.*

BSD moves to dismiss for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1), arguing that plaintiffs have not invoked this court's subject matter jurisdiction: the parties are all citizens of Washington state, so there cannot be

1 jurisdiction based on diversity of citizenship, and the only claims the plaintiffs assert are
 2 state law torts, so there is no federal question jurisdiction. Dkt. 6 at 2 (citing 28 U.S.C. §§
 3 1331 and 1332). BSD asks the Court to dismiss the case with prejudice. Dkt. 6 at 3.

4 Plaintiffs have filed two responses, Dkts. 7, 14. They also filed a motion to change
 5 venue, Dkt. 11. The first response asserts that it is too early in the case to grant a Rule 56
 6 summary judgment, and that BSD receives federal funding. Dkt. 7 at 2–3. It clarifies that
 7 plaintiffs are asserting claims for “Discrimination, Differential Treatment, Slander &
 8 Liable, Retaliation, Falsifying Evidence, etc.” *Id.* at 5.

9 The second response renews the plaintiffs’ baseless and bizarre allegations that the
 10 Court is corrupt, that Benjamin Settle is [non-party] Evergreen Trails’ “go to Judge”, and
 11 that he “may or may not even be alive.” Dkt. 14 at 1–2. Like their first response,
 12 plaintiffs’ second attempt fails to address BSD’s motion or the Court’s subject matter
 13 jurisdiction.

14 The Court does not have subject matter jurisdiction over this dispute. The parties
 15 are all Washington citizens and the complaint asserts only state law claims. That is the
 16 single issue presented by the motion. BSD’s motion to dismiss for lack of subject matter
 17 jurisdiction, Dkt. 6, is therefore **GRANTED**, and the case is **DISMISSED** without¹
 18 prejudice.

19 Plaintiffs’ motion for change of venue, Dkt. 11, is **DENIED** as without merit and
 20 moot.

21 ¹ BSD’s request for dismissal with prejudice is **DENIED**; the Court plainly cannot
 22 adjudicate a case if it is without jurisdiction to hear it.

1 The clerk shall close the case.

2 IT IS SO ORDERED.

3 Dated this 22nd day of October, 2024.

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6 BENJAMIN H. SETTLE
7 United States District Judge
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